REMARKS

The Examiner rejected claims 1-4, and 6-10 under 35 U.S.C. Section 103(a) as being unpatentable over Michener et al. (U.S. Patent No. 6,323,909) in view of Eyer (U.S. Patent No. 5,982,445).

The Examiner suggests that Michener et al. disclose a method that includes providing a document (data stream 135) including a structure for receiving a time stamp value (PTS) associated with the video element (video PES stream 75) in a packetized elementary stream (stream 160). The Examiner further suggests that Michener et al. disclose inserting the time stamp values associated with the video element in the structure.

In the embodiment shown in FIG. 2, the video data 50 is encoded by a MPEG-2 encoder 65 which is then modified in the form of a packetized elementary stream 75 by a PES packetizer 70. The audio data is encoded by a digital encoder 100 which is then modified in the form of a packetized elementary stream 110 by a PES packetizer 105. The packetized elementary streams 75 and 110 include PES headers 80 and 115 which have associated PES packets 85, 90, 120, and 125. Referring to FIG. 3, each PES header 80 includes a PES header field 265 within which includes a presentation time stamp (PTS) and decoding time stamp (DTS).

Michener et al. teach that the "[d]ata from transmission is in the form of a data stream 135. Data for transmission may include, but is not limited to, electronic program guide data or conditional access data. Since the data stream 135 does not contain time-sensitive data, it is not PES packetized but, rather, is provided in pre-packetized form to the transmission station 50." Michener et al. further does not even suggest how to modify the system so that such data could be PES packetized, but rather explicitly teaches away from modifying the digital data with PES packets.

The PES packetized elementary stream 75, the PES packetized elementary stream 110, and the pre-packetized data is provided to the transport multiplexer and repacketizer 155 to multiplex the data from into a master stream 160 for transmission.

In other words, Michener et al. disclose a system by which data may be delivered to the decoder without an associated PTS time stamp. Michener et al. fail to specifically teach how the data content is delivered in the MPEG-2 multiplexed data stream. For example, since Michener et al. teach that the data is not time-sensitive data, it may be possible to provide the data using the private data in the MPEG-2 multiplexed data stream.

Claim 1 patentably distinguishes over Michener et al. in view of Eyer et al. by claiming that the document includes a structure for receiving a time stamp value associated with the video element in a packetized elementary stream.

Michener et al. fail to teach any technique of using the packetized elementary stream for a document. In contrast, Michener et al. teach that the data is not time sensitive and is provided in pre-packetized form for transmission, and does not even suggest how to modify the system so that such data could be PES packetized, but rather explicitly teaches away from modifying the digital data with PES packets.

The applicant would further note the reference time clock ("RTC") in the auxiliary data packets is used to synchronize the standard definition TV and the high definition TV. Michener et al. fail to suggest that the auxiliary data packets are in a packetized elementary stream.

Claims 2-5 depend from claim 1 and are patentable for the same reasons asserted for claim 1.

Claim 6 patentably distinguishes over Michener et al. by claiming encoding in a packetized elementary stream a first data packet comprising the document and the time stamp value, and encoding in a packetized elementary stream a second data packet comprising the time stamp value and a target datum in at least one of the video element and the audio element.

Michener et al. fail to teach any technique of using the packetized elementary stream for a document. In contrast, Michener et al. uses pre-packetized form for transmission, and does not even suggest how to modify the system so that such data could be PES packetized, but rather explicitly teaches away from modifying the digital data with PES packets.

Claims 7-10 depend from claim 6 and are patentable for the same reasons asserted for claim 6.

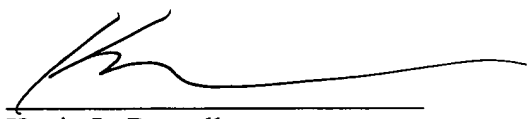
Claim 11 patentably distinguishes over Michener et al. by claiming the packet assembler encoding in a packetized elementary stream a first data packet comprising a data unit representing the document and a time stamp value specifying a time for displaying the document and a second data packet comprising the target datum and the time stamp value.

Michener et al. fail to teach any technique of using the packetized elementary stream for a document. In contrast, Michener et al. uses pre-packetized form for transmission, and does not even suggest how to modify the system so that such data could be PES packetized, but rather explicitly teaches away from modifying the digital data with PES packets.

Claims 12-14 depend from claim 11 and are patentable for the same reasons asserted for claim 11.

The Examiner is respectfully requested to reconsider claims 1-14 and to pass the application to issue.

Respectfully submitted,



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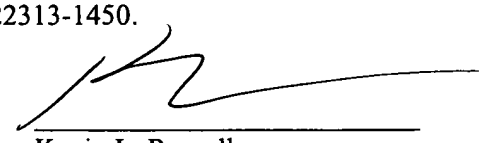

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